

DATE OF DETERMINATION	Thursday 13 June 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Paul Stein, Paul Moulds and Peter Brennan
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held at Cumberland Council on 13 June 2019, opened at 1.00pm and closed at 3.57pm.

MATTER DETERMINED

2018CCI021 – Cumberland – DA-210/2018 AT 65-71 Kerrs Road, Lidcombe (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

REASONS FOR THE DECISION

1. The proposed development complies with all applicable standards in the SEPP (Affordable Rental Housing) 2008. A boarding house is also a permissible use under Council's LEP.
2. A detailed character compatibility assessment has been undertaken. The Panel notes that the character of the area is mixed and in transition to predominantly large two storey houses. The Panel believes that the proposed two storey building will be compatible with the character of the area, noting that considerable effort has been given to producing a well-considered design which includes large landscaped setbacks.
3. The site of the development is suitable for the intended use, it is free of physical constraints, has all necessary infrastructure and is well located with respect to transport, retail and community facilities.
4. The proposed development will have no material adverse social or environmental impacts on neighbours or the locality, noting in particular that there will be an on-site Manager and a plan of management (house rules) which all residents must obey.
5. The proposal will add to the stock and diversity of housing available in the locality and will contribute to improved housing affordability which is socially beneficial.

6. For the reasons given above, the Panel believes that approval of the proposal is in the public interest.

The decision was unanimous.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments –

- Condition 8 – Maximum occupancy – first paragraph is amended to read as follows as –
The boarding house is approved to accommodate a maximum of seventy-two (72) lodgers (excluding the boarding house manager). All boarding rooms may be occupied by two (2) lodgers at any one time.
- Deletion of the second sentence in Condition 66.



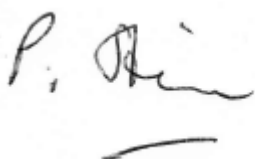

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Incompatibly with character of area;
- Use is commercial and inappropriate;
- Various design issues including excessive bulk, inadequate parking, orientation of the building, capacity to expand in future, excessive density, rooms too small and proximity to neighbours;
- Potential social, financial, traffic and environmental impacts; and
- Approval providing an undesirable precedent.

The above issues have been addressed in the design of the proposal, mitigated by conditions of **approval**, or are considered to be either inconsequential or ill founded fears.

The Panel considers that concerns raised by the public have been adequately addressed in the original assessment report and that no new issues requiring further assessment were raised during the public determination meeting. The issue raised by the objector regarding measurement of distance to railway station was confirmed as compliant with the SEPP's requirements. The Panel is satisfied that the issues raised are suitably addressed via conditions which are imposed on the consent.

PANEL MEMBERS	
 Paul Mitchell OAM (Acting Chair)	 Peter Brennan
 Paul Stein OAM	 Paul Moulds



Mary-Lynne Taylor

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref - 2018CCIO21 – LGA - Cumberland – DA-210/2018
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a two-storey boarding house containing 37 boarding rooms over basement parking.
3	STREET ADDRESS	65-71 Kerrs Road, Lidcombe Lot 10 Sec C DP3431, Lot 9 Sec C DP3431
4	APPLICANT OWNER	Applicant – Moma Architects Owner – Mr S M Allam
5	TYPE OF REGIONAL DEVELOPMENT	Affordable Rental Housing, CIV above \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Affordable Rental Housing) 2009 ○ Auburn Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Auburn Development Control Plan 2010 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report – June 2019 • Written submissions during public exhibition: 4 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Pinaki Basu (speaking on behalf of the 50 residents (Community Group) of Lidcombe ○ On behalf of the applicant – Jonathan Wood ○ On behalf of Council – Elma Sukurma, Sohail Faridy and Michael Lawani
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 13 June 2019 • Final briefing meeting to discuss council's recommendation, 12 June 2019, 12.00pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Acting Chair), Mary-Lynne

		Taylor, Paul Stein, Paul Moulds, and Peter Brennan <ul style="list-style-type: none">○ <u>Council assessment staff</u>: Elma Sukurma, Sohail Faridy and Michael Lawani
9	COUNCIL RECOMMENDATION	Deferred Commencement Approval
10	DRAFT CONDITIONS	Attached to the council assessment report